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Election of the Deputy Prosecutor of the International Criminal Court

Note by the Secretariat

1. Under the terms of article 42, paragraph 4, of the Rome Statute of the International Criminal Court, and paragraph 32 of Assembly of States Parties resolution ICC-ASP/1/Res.2 on the procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the Court, the Prosecutor shall nominate three candidates for each position of Deputy Prosecutor to be filled.

2. In a letter dated 11 August 2003, the Prosecutor of the Court transmitted to the President of the Assembly of States Parties his nomination of the following three candidates for the position of Deputy Prosecutor of the Court (see annex):

Serge Brammertz (Belgium)
Hassan Bubacarr Jallow (Gambia)
Vladimir Tochilovsky (Ukraine)

3. In addition, the letter included a description of the procedures followed for the selection of candidates (see annex, appendix I), as well as a compilation of statements of qualifications (see annex, appendix II), submitted in accordance with paragraph 33 of the above-mentioned resolution.

4. Under the terms of paragraph 37 of the same resolution, the procedures for the election of the Prosecutor in section E of that resolution shall apply mutatis mutandis to the election of any Deputy Prosecutor.

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Annex

Letter dated 11 August 2003 from the Prosecutor of the International Criminal Court to the President of the Assembly of States Parties to the Rome Statute of the International Criminal Court

I have the honour to inform you, as President of the Assembly of States Parties to the Rome Statute of the International Criminal Court, that the process of selection of candidates for nomination to the position of Deputy Prosecutor (Investigations) has been finalised.

The candidates hereby nominated have been selected from a pool of one-hundred and thirty applicants from forty-seven countries, States Parties and non-States Parties. The large number of applications received is the consequence of a widely publicised call for applications, which was made through the website of the Court. Efforts to disseminate it were also made by the Secretary of the Assembly of States Parties, which we gratefully acknowledge. The Office of the Prosecutor of the International Criminal Court sent letters publicising the call to all Heads of Mission of States Parties accredited to the Kingdom of The Netherlands and representatives of other States Parties without mission to the Kingdom of The Netherlands, the ICC Task Force for The Netherlands, the International Association of Prosecutors, and the Coalition for the International Criminal Court. The call for applications was also announced during a press conference held by my Office on 16 July 2003 in The Hague, and in the press release that preceded it on 15 July 2003.

The call for applications was widely publicised with a view to attracting the best women and men representing all regions and legal systems of the world. As a consequence, a large number of outstanding candidates did indeed apply (exact details may be found in appendix I to this letter). Unfortunately, there were not many women candidates nor were there sufficient candidates from all regions and legal systems. I encourage States, organisations and professional associations to help me obtain a more balanced response to future calls.

After a review of all applications, I interviewed fourteen of the candidates. ICTY and ICTR Chief Prosecutor Carla Del Ponte and I conducted interviews with twelve candidates at the seat of the Court on 30 July 2003. Two additional interviews were conducted by me on a later date. The final step in the difficult but very important task of selecting three candidates for nomination was a second round of interviews with a shortlist of six candidates, which I conducted. In making my decision, I consulted with former ICTY and ICTR Chief Prosecutors Louise Arbour and Richard Goldstone.

After careful deliberation, and pursuant to article 42, paragraph 4 of the Rome Statute, I have decided to nominate Mr. Serge Brammertz, Mr. Hassan Bubacarr Jallow and Mr. Vladimir Tochilovsky as candidates for the position of Deputy Prosecutor (Investigations). I request, Excellency, that you transmit their names to the Assembly of States Parties for consideration at the upcoming Second Session in September 2003. An order of preference of the selected candidates is not provided, in order to allow the Assembly to exercise its prerogative to select any of them for the position. The three candidates are persons of broad and recognised experience in criminal prosecutions. They also fully meet the strict requirements of the Statute.

Mr. Serge Brammertz is the Federal Prosecutor of the Kingdom of Belgium. He has been a prosecutor for more than fourteen years, and currently holds the highest office for a prosecutor in his country. He is responsible for the co-ordination of all national and international investigations into organised crime, terrorism and violations of international humanitarian law. Additionally, he has contributed to the creation of a network of European prosecutors and he plays a leading role in the co-operation between Belgium and other countries and international tribunals and institutions. Mr. Brammertz holds a Ph.D. in cross-border police co-operation from Albert Ludwigs University, Freiburg, Germany.

Mr. Hassan Bubacarr Jallow combines a long career as a prosecutor and judge in The Gambia with international experience. He was the Attorney General and Minister of Justice of his country for ten years, and a Supreme Court judge for four years. He was a member of the Expert Group that conducted a judicial evaluation of and recommended measures for the effective functioning of the ICTY and ICTR at the request of the United Nations Secretary-General in 2002. He has received international recognition by being appointed judge of the Appeals Chamber of the Special Court for Sierra Leone and judge *ad litem* of the ICTY. He is currently a member of the Administrative Tribunal of the Commonwealth Secretariat. He holds an LL.M. from University College London, United Kingdom.

Mr. Vladimir Tochilovsky has worked at the ICTY Office of the Prosecutor for nine years, both in investigations and prosecutions. He is currently a Trial Attorney in that Office. He worked for fifteen years as a District Attorney and Regional Deputy Procurator in Ukraine, and obtained a Ph.D. in prosecution and criminal procedure from Taras Shevchenko National University, Kiev, Ukraine. He has participated in the early stages of the development of the ICC, both as an official representative of the ICTY to the Preparatory Committee for the Establishment of an International Criminal Court and the Preparatory Commission for the International Criminal Court and as an expert who was consulted by the ICC Office of the Prosecutor on a number of topics before my arrival.

The *curricula vitae* of the nominees are attached as appendix II to this letter, for the consideration of the Assembly. A detailed report of the selection process is also attached, as appendix I.

In order to ensure that the nominees for Deputy Prosecutor (Investigations) have a thorough understanding of the issues facing the Office of the Prosecutor and the Investigations Division in particular, I have invited them to spend two days in my Office working with my staff, prior to the upcoming Second Session of the Assembly of States Parties. Consequently, they not only meet the professional and personal standards set out in the Statute, but they will be more aware of the challenges ahead.

Allow me to refer, finally, to the term for which the Deputy Prosecutor will be appointed. Pursuant to article 42, paragraph 4 of the Statute, the Deputy Prosecutor (Investigations) shall hold office for up to nine years. However, the Statute authorises the Assembly to decide upon a shorter term. In my view it would be highly desirable that the Assembly adopt the approach used in the election of the Judges of the Court, whose terms were phased in, pursuant to article 36, paragraph 9(b) of the Statute. Hence, I recommend an appointment for a period of six years, which would ensure that the end of the term of the Deputy Prosecutor (Investigations) does not coincide with the expiration of my own, thus allowing for continuity in the operation of the Office and for the proper preservation of institutional memory in senior management.

(*Signed*) Luis **Moreno-Ocampo**
Prosecutor

Appendix I

Report on the procedures followed for the selection of candidates for nomination for the position of Deputy Prosecutor (Investigations) in the Office of the Prosecutor of the International Criminal Court

I. Publicising of the vacancy notice

The vacancy notice of the position of Deputy Prosecutor (Investigations) of the Office of the Prosecutor of the International Criminal Court was posted on the website of the ICC on 27 June 2003, in both working languages of the Court. An initial deadline of 20 July 2003 was extended on two occasions, to ensure that the time allotted for the dissemination of the notice was sufficient to allow the Office to receive applications from qualified individuals from around the world. The final deadline for applications was 28 July 2003.

The vacancy notice was also publicised during a Press Conference held in the Office of the Prosecutor on 30 June 2003. It was further publicised in the Press Release of the Prosecutor dated 15 July 2003, which concerned the communications received by the Office since July 2002, and by the Prosecutor during the subsequent Press Conference of 16 July 2003.

A call for applications for the position was circulated on 25 June 2003 by the Secretary of the Assembly of States Parties, for whose assistance the Office of the Prosecutor is particularly grateful. The call for applications was also circulated among the diplomatic missions of States Parties to the Rome Statute of the International Criminal Court. Letters were sent by Prosecutor Luis Moreno-Ocampo to all Heads of Mission of States Parties accredited to the Kingdom of The Netherlands, representatives of other States Parties without mission to the Kingdom of The Netherlands, and the ICC Task Force of The Netherlands.

Calls for applications were also sent to the Secretary-General of the International Association of Prosecutors and to the Convenor of the Coalition for the International Criminal Court.

II. Statistics of applications received

A total of 130 applications for the position of Deputy Prosecutor (Investigations) were received. Below is a breakdown by gender, ratification status of country of nationality and geographical origin.

Total number of applications received	**130**			
		% of total	*Subtotal*	*% of subtotal*
Female applicants	27	(20%)		
Male applicants	103	(80%)		
State Party applicants	110	(85%)		
Females			23	(21%)
Males			87	(79%)
Non-State Party applicants	20	(15%)		
Females			4	(24%)
Males			16	(76%)
African applicants	29	(22%)		
Asian applicants	4	(3%)		
Eastern European applicants	11	(8.5%)		
Latin-American and Caribbean applicants	8	(6.5%)		
Western European and other States applicants	78	(60%)		

III. Interview process

Applications for the position of Deputy Prosecutor were screened to ensure that applicants complied with the requirements set out in article 42, paragraph 3 of the Rome Statute and in light of the duties and responsibilities envisaged for the position, as set out in the vacancy announcement.

The Prosecutor of the Court selected fourteen applicants, each of whom was invited for an interview at the seat of the Court. The breakdown of the list of applicants invited for an interview by gender, ratification status of country of nationality and geographical origin, appears below.

Total number of interviewed candidates	**14**
Female applicants	2
Male applicants	12
State Party applicants	12
Non-State Party applicants	2
African applicants	3
Asian applicants	0
Eastern European applicants	2
Latin-American and Caribbean applicants	0
Western European and other States applicants	9

The first round of interviews took place at the seat of the Court, on 30 July 2003. The interviews were conducted by ICC Prosecutor Luis Moreno-Ocampo and ICTY and ICTR Prosecutor Carla Del Ponte. A total of twelve candidates were interviewed on that day, one of them over the telephone. Two candidates were interviewed in person by Prosecutor Moreno-Ocampo on a later date.

The Prosecutor of the ICC drew up a shortlist of six candidates, each of whom was invited for a second interview. Between 2 and 4 August 2003 these candidates were interviewed either in person or over the phone. At this stage, the Prosecutor received the advice of former ICTY and ICTR Prosecutors Louise Arbour and Richard Goldstone. He then decided to nominate Mr. Serge Brammertz (Belgium), Mr. Hassan Bubacarr Jallow (The Gambia), and Mr. Vladimir Tochilovsky (Ukraine) as candidates for the position of Deputy Prosecutor (Investigations).

Appendix II

Alphabetical list of candidates nominated for the position of Deputy Prosecutor (Investigations) in the Office of the Prosecutor of the International Criminal Court with statements of qualifications[1]

1. Brammertz, Serge (Belgium)

Statement of qualifications

Born 17 February 1962
in Eupen (Belgium)

Qualifications

1980-1985: Preliminary and full degrees in law at the Catholic University of Louvain-la- Neuve, Belgium (*cum laude*).

1989-1991: Full degrees in criminology at the School of Criminology of the University of Liège, Belgium (*cum laude*).

1993-1998: Doctorate in law at "Albert Ludwigs Universität" in Freiburg i. Br., Germany; Thesis subject "Cross-border Police Cooperation" (*summa cum laude*).

Language knowledge

French, German, Dutch, English: Good knowledge

Spanish: Basic knowledge

Professional experience

1985-1989: Attorney at law at the bars of Verviers and Eupen.

1989-1996: Deputy Crown Prosecutor at the Court of First Instance in Eupen.

1996-1997: Chief Deputy Crown Prosecutor at the same court.

1999-date: Deputy to the Prosecutor-General at the Liège Court of Appeal (seconded to the Office of the National Prosecutor).

1997-2002: National Prosecutor 2002.

2002-date: Federal Prosecutor of the Kingdom of Belgium.

[1] As submitted by the applicants for the position of Deputy Prosecutor (Investigations).

University

1991-1993: Research Assistant at the Catholic University of Louvain-la-Neuve; Department of Criminal Law and Criminology (Prof. Dr. Françoise TULKENS).

1996-2001: Scientific assistant at the University of Liège.

2001: Professor at the University of Liège; Course Leader in: "Police and Judicial Cooperation in an International Context – Instruments and Stakes".

Commissions as expert

- Expert for the Council of Europe in the framework of training programmes dealing with the fight against organised crime and corruption, Octopus and Paco programmes; commissions in Albania, Slovakia and Bulgaria.

- National expert in the context of the joint action by the Council of the EU "setting up a mechanism for evaluating and applying nationally international undertakings concerning the fight against organised crime"; commissions in Ireland and Denmark.

- National expert for the European Commission in connection with Justice and Internal Affairs commissions; expert in the fight against fraud and corruption; commissions in Slovakia and Lithuania.

- Expert for the International Organization for Migration (IOM) regarding the fight against trade in human beings. Commissions in Central Europe and the Balkans.

International conferences

Participation as a speaker in numerous international conferences on organised crime and mechanisms for international cooperation, especially in:

- Vienna, 21 October 1998, international conference organised by Interpol on trafficking in women, presentation entitled: "La traite des femmes – situation légale et expérience belge" (The Trafficking of Women – Legal Situation and Experience in Belgium).

- Bratislava, 29 September 1999, seminar organised by the Council of Europe on "cooperation with criminal justice agencies and the protection of vulnerable players", presentation entitled: "Protection des témoins et coopération internationale" (Witness Protection and International Cooperation).

- Trier, 15 October 1999, seminar organised by the Europäische Rechtsakademie Trier; "Auf dem Weg zu einem Europäischen Rechtsraum; die justizielle Zusammenarbeit in Strafsachen in Europa" (European Legal Area: Judicial Cooperation in Criminal Cases in Europe), presentation entitled: "Das Europäische Justizielle Netz" (The European Judicial Network).

- Rome, 26 January 2000, conference organised by The International Organization for Migration (IOM) and the European Commission on "migration management and co-operation; the Balkans"; presentation entitled: "La traite des êtres humains et l'immigration clandestine" (Trafficking in Human Beings and Clandestine Immigration).

- Brussels, 7 December 1999, conference organised by the Institute of European Studies of the University of Brussels on "L'espace judiciaire pénal européen après Tampere" (The European Criminal Judicial Area after Tampere), presentation entitled: "La création d'Eurojust et d'un parquet européen" (The Creation of Eurojust and a European Prosecution Service).

- Budapest, 7 April 2000, conference organised by the IOM and the European Commission on "migration management and co-operation, Central and Eastern Europe", presentation entitled: "Trafficking in human beings; case studies".

- Seoul, 3 May 2000, ASEM meeting of child welfare law enforcement agencies on "Cooperative ties for the protection of children", presentation entitled: "Sexual abuse and trafficking of children".

- Sao Paulo, 21 September 2000, First World Congress of Prosecutors; presentation entitled: "Ministère Public/services de police : La recherche d'un nouvel équilibre en matière de coopération internationale" (Prosecution Service/Police Departments: The Search for a New Balance in International Cooperation).

- Paris, 17 November 2000, conference organised by the Committee Against Modern Slavery on "Esclavage moderne et trafic d'êtres humains, quelles approches européennes?" (Modern Slavery and Traffic in Human Beings, What Are the European Approaches?), presentation entitled: "La politique belge en matière de lutte contre la traite des êtres humains" (Belgian Policy in Fighting Trafficking in Human Beings).

- Prague, 5 December 2000, seminar organised by the French Interior Ministry on prostitution hailing from central Europe, presentation entitled: "Police/justice : l'approche belge dans la lutte contre la traite des êtres humains" (Police/the Courts: the Belgian Approach in the Fight Against Traffic in Human Beings).

- Ghent, 25 January 2001, conference by the Belgian Government on "strategies of the EU and the US in combating transnational organized crime", presentation entitled: "Transborder operational activities".

- Vienna, 8 March 2001, Internationales Symposium für Richter und Staatsanwälte, "Auf dem Weg zu einem europäischen Rechtsraum – die Zusammenarbeit in Strafsachen in Europa" (On the Way Towards a European Legal Area – Cooperation in Criminal Cases in Europe), presentation entitled: "Das Europäische Justizielle Netzwerk" (The European Judicial Network).

- Brussels, 20 September 2002, "European Conference on Preventing and Combating Trafficking in Human Beings", rapporteur for the "Police and Judicial Co-operation" Panel.

- Brussels, 5 November 2002, Hearing at the European Parliament, "Le livre vert de la commission sur la protection pénale des intérêts financiers communautaire et la création d'un procureur européen" (The Commission Green Paper on Criminal Protection of Community Financial Interests and the Creation of a European Prosecutor) presentation entitled: "La relation entre le procureur européen et les autorités nationales (The Relationship Between the European Prosecutor and National Authorities).

- Bucharest, 19 November 2002, conference organised by the anti-corruption prosecutors in Romania and Spain on the European Prosecution Service, presentation entitled: "Les procureurs européens délégués, statut et fonctionnement (Appointed European Prosecutors, Status and Operation).

- Louvain-la-Neuve, 4 April 2003, conference organised by the Catholic University of Louvain-la-Neuve on the fight against organised crime, presentation entitled: "La loi du 7 juillet 2002 relative à la protection des témoins menacés (The Act of 7 July 2002 to protect witnesses under threat).

- Brasilia, 5 June 2003, conference organised by the Brazilian Federal Prosecution Service on "The fight against organized crime – protecting the democratic order", presentation entitled "The new structures of police and judicial cooperation in the European Union".

- Berlin, 28 June 2003, conference on the International Criminal Court, presentation entitled: "Belgische Erfahrungen mit Strafverfahren wegen Völkerrechtsverbrechen (Belgian Experiences with Criminal Proceedings for Crimes Against International Law).

Publications

- BRAMMERTZ S., DE VRESSE S., THYS J., "Collaboration policière transfrontalière" (Cross-border Police Cooperation), study carried out under the supervision of TULKENS F. and VAN OUTRIVE L., Minister of the Interior, National General Police, pub. Politeia, Brussels, 1993, 250 pp.

- BRAMMERTZ S., RAMBACH P.H.M., "La loi allemande sur la lutte contre le trafic illégal de stupéfiants et d'autres formes de criminalité organisée (OrgKG)" (German Act on the Fight Against Illegal Traffic in Drugs and Other Forms of Organised Crime (the 'OrgKG')), *Revue de droit pénal et de criminologie*, July-August 1993, pp. 707-726.

- BRAMMERTZ S., BOURDOUX G., "Das neue belgische Polizeiaufgabengesetz" (The New Belgian Police Responsibilities Act), *Zeitschrift für die gesamte Strafrechtswissenschaft*, 2/1996, pp. 397-415.

- BOURDOUX G., BRAMMERTZ S., "L'usage de la force et des armes à feu par les fonctionnaires de police de l'Eurégio Meuse-Rhin" (The Use of Force and Firearms by Police Officers in the Meuse-Rhine Euroregion), *Revue de droit pénal et de criminologie*, April 1995, pp. 344-407.

- BOURDOUX G., BRAMMERTZ S., "Vuurwapengebruik door politie in de Euregio Maas-Rijn" (The Use of Firearms by Police in the Meuse-Rhine Euroregion), *Delikt en Delinkwent*, October 1996, pp. 771-798.

- BRAMMERTZ S., BOURDOUX G., "Schusswaffengebrauch durch Polizeibeamte an der deutsch-belgisch-niederländischen Grenze" (Use of Firearms by Police Officers on the German-Belgian-Dutch Border), *Die Polizei*, 2/1996, pp. 33-42.

- BRAMMERTZ S., "Le droit pénal international" (International Criminal Law), in *Recueil de jurisprudence de procédure pénale*, produced under the supervision of BOSLY H.-D. and MASSET A., La Charte, 1996.

- BRAMMERTZ S., "Trafic de stupéfiants et valeur internationale des jugements répressifs à la lumière de Schengen" (Drugs Trafficking and the International Value of Repressive Convictions in the Light of Schengen), *Revue de droit pénal et de criminologie*, 11/1996, pp. 1063-1081.

- BRAMMERTZ S., "Schengen et la poursuite transfrontalière" (Schengen and Cross-border Pursuit), Vigiles, Revue de droit de police, 1/1997, pp. 1-21.

- BRAMMERTZ S., "Rechtsprobleme der grenzüberschreitenden polizeilichen Zusammen-arbeit zwischen den Schengener Staaten" (Legal Problems of Cross-border Police Cooperation Amongst the Schengen States), *Schriftenreihe der Polizei-Führungsakademie*, 1/97, pp. 109-123.

- BRAMMERTZ S., RAMBACH P., "Evolution récente en droit pénal et en procédure pénale en République Fédérale d'Allemagne" (Recent Developments in Criminal Law and Procedure in the Federal Republic of Germany), *Revue de droit pénal et de criminologie*, 3/1998, pp. 282-292.

- BRAMMERTZ S., "Grenzüberschreitende polizeiliche Zusammenarbeit am Beispiel der Euregio Maas-Rhein" (Cross-border Police Cooperation on the Lines of the Example of the Meuse-Rhine Euregion), Freiburg im Breisgau, pub. iuscrim, Max-Planck-Institut für Ausländisches und Internationales Strafrecht, 1999, 305 pp.

- BRAMMERTZ S., "La recherche proactive en droit comparé et dans les instruments internationaux" (Pro-active Research into Comparative Law and International Instruments), CUSTODES, *Cahiers thématiques de la police et de la justice*, 1/1999, pp. 127-143.

- BRAMMERTZ S., "Liaisons dangereuses ? Les officiers de liaison, maillon humain de la coopération policière internationale" (Dangerous Liaisons? Liaison Officers, the Human Link in International Police Cooperation", Vigiles, *Revue de droit de police*, 3/2000, pp. 76-88.

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- BRAMMERTZ S., BERTHELET P., "Eurojust et le réseau judiciaire européen : concurrence ou complémentarité" (Eurojust and the European Judicial Network: Competitors or Complements), Revue de droit pénal et de criminologie, April 2002, pp.389-410.

- BRAMMERTZ S., "La coopération judiciaire internationale" (International Judicial Cooperation) in Poursuites pénales et extraterritorialité (Criminal Proceedings and Extra-territoriality), La Charte, 2002, pp. 127-151.

- BRAMMERTZ S., "Cross-border operational activities" in DE RUYVER B., VERMEULEN G., VANDER BEKEN T., Combating Transnational Organised Crime, Antwerp, Maklu, 2002, pp. 133-155.

- BRAMMERTZ S., "Les officiers de liaison bilatéraux : la nouvelle circulaire 2003" (Bi-lateral Liaison Officers: the New 2003 Practice Note", Custodes 2/2003, pp.77-81.

Miscellaneous

- Chairman of the Administrative Unit for Coordination of the Fight Against Harmful Sectarian Organisations.

- Member of the Management Committee of the Belgian Section of the International Association of Judges.

- Member of the International Association of Prosecutors.

- Member of the Editorial Committee of the *Revue de droit pénal et de criminologie*.

- Member of the Editorial Committees of CUSTODES, *Cahiers thématiques de la police et de la justice*, and VIGILES, *Revue de droit de police*.

- Chairman of the European Judicial Network (Belgian Presidency of the European Union – 2001).

2. Jallow, Hassan Bubacarr (The Gambia)

Statement of qualifications

Date of birth: 14th August 1951
Place of birth: Bansang, The Gambia
Nationality: Gambian
Status: Married with children
...

Languages: English with some French.

Schools attended

1. St. Augustine's High School Banjul, The Gambia, 1963 – 1969.
2. Gambia High School Banjul, The Gambia, 1969 – 1971.
3. University of Dar-es-Salaam, Tanzania, 1973- 1976.
4. Nigerian Law School, Lagos 1976 – 1977.
5. University of London (University College), 1978 – 1979.

Qualifications

1. LLB (Hons) (First Class), Bachelor of Laws, 1976 (Dar-es-Salaam).
2. BL, Barrister-at-Law, 1977 (Lagos).
3. LLM, Master of Laws, (Public International Law), 1979 (London).
4. Called to the Nigerian Bar, 1977.
5. Called to the Gambian Bar, 1977.
6. Enrolled as Barrister and Solicitor of the Supreme Courts of The Gambia and Federal Republic of Nigeria.

Present status

Judge, Appeals Chamber, UN Special Court for Sierra Leone (2002-).

Judge Ad Litem, International Criminal Tribunal for Former Yugoslavia (2000-).

Member, Commonwealth Secretariat Arbitral Tribunal (2000-).

Consultant, UNHCHR, UNDP and Commonwealth Secretariat on Law Reform, Human Rights and Governance.

Positions held

I. State Counsel: Attorney General's Chambers, Ministry of Justice, The Gambia, 1977 – 1979 – criminal prosecutions and legal advice.

II. Principal State Counsel: Attorney General's Chambers, Ministry of Justice, The Gambia, 1979 – 1982 - conduct of and supervision of other counsel engaged in criminal prosecutions, civil litigation, legal advice, international legal matters.

III. Acting Registrar-General: Attorney General's Chambers, Ministry of Justice, The Gambia, at various times between 1977 & 1982 registration of companies and businesses, patents, trademarks, administration of estates, conduct of marriages, criminal and civil litigation.

IV. Solicitor General and Legal Secretary: Attorney General's Chambers, Ministry of Justice, The Gambia, 1982- 1984 – deputy to the Attorney General and administrative head of the Ministry of Justice.

V. Attorney General and Minister of Justice: The Gambia, 1984 – July 1994.

1990	Chairman, Commonwealth Working Group of Governmental Experts on Human Rights.
1989-1994	Chairman, Governing Council of the African Centre for Human Rights and Democracy Studies (ACDHRS) Banjul.
1994-1998	Following the change of government in 1994, a Private Legal Practitioner and Consultant.
1998-2002	Judge of the Supreme Court of The Gambia, the final appellate court.
1998	Member of Expert Group appointed by U.N. Secretary General to carry out a judicial evaluation of and recommend measures for the effective functioning of the International Criminal Tribunal for Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR).
1999	Appointed by UNCTAD Secretary General as Project Adviser and Member of Board of UNCTAD Project for Resolution of International Investment, Trade and Intellectual Property Disputes.
2000-2002	Chairman National Judicial Task Force on Good Governance Rule of Law and Effective Justice.

Conference attended

Various – among them the following:

1977	Delegate to General Conference of the International Civil Aviation Organisation, Montreal, Canada.
1979	Participant in ICRC Workshop on the Geneva Conventions and Protocol thereto, Nairobi, Kenya.
1979	Member of Restricted Group of Experts selected by the Organisation of African Unity to prepare a preliminary draft African Charter on Human and People's Rights.
1980	Member of the delegation to African-Asian Legal Consultative Committee, Commemorative Conference, Bandung, Indonesia.

1980	Member of Gambian Delegation to First OAU Ministerial Conference on Human and Peoples' Rights for consideration of the Draft Charter.
1980	Member of Gambian Delegation to summit Conference of OAU Heads of State and Government, Freetown, Sierra Leone.
1981	Member of Gambian Delegation to Second OAU Ministerial Conference on Human and Peoples' Rights to continue consideration and adoption of Draft Charter.
1981	Member of Gambian Delegation to Summit Conference of OAU Heads of State and Government, Nairobi, Kenya.
1982-1992	Head of Gambian Delegation to the UN Commission on Human Rights, Geneva.
1982	Member of Gambian Delegation to the UN Conference on the Law of the Sea, Montego Bay, Jamaica.
1983/86/89/92	Member and Head of Gambian Delegation the Commonwealth Law Ministers Conference, Colombo, Sri Lanka and subsequent Law Ministers meetings.
1983	Presented the Gambia's initial report under the International Covenant on Civil and Political Rights to the UN Committee on Human Rights, New York.
1985	Chairman of Committee 1 of the Seventh UN Congress on the Prevention of Crime and the Treatment of Offenders – dealing with Criminal Justice processes and perspectives in a changing world and the formulation and application of United Nations Standards and Norms in Criminal Justice.
1985	Head of Gambian Delegation to African Political Parties Conference on Democracy in Africa, Dakar, Senegal.
1986	Head of Gambian Delegation to Asian-African Legal Consultative Committee Conference, Arusha, Tanzania.
1986	Participant, "Justice and Society" seminar, Aspen Institute, Colorado U.S.A.
1987	Vice Chairman – UNESCO Conference on Human Rights Teaching and Research, Malta.
1987	Head of Gambian Delegation to Commonwealth Law Ministers Conference, Zimbabwe.
1987	Vice Chairman – Dakar Colloquium of Experts on the 1987 African Charter on human and Peoples' Rights.
1987	Rapporteur General – International Expert Meeting on the United Nations and Law Enforcement, Baden near Austria, Vienna.
1988	Member of restricted group of experts invited by the UN Secretary General at Preparatory meeting for 8th UN Congress on Crime Prevention and Treatment of Offenders, Topic: New Dimensions of Criminality and International Cooperation to Combat Crime, Vienna.
1984-1994	Chairman of the National Management Committee of the Gambia Law Foundation.
1984-1994	Vice Chairman of the General Legal Council, The Gambia.

1984-1994	Chairman of the Advisory Committee on the Prerogative of Mercy (The Gambia).
1984-1994	Member of the Chancery of the National Order of the Republic of The Gambia.
1991	Member of Commonwealth Election Observer Mission, Bangladesh.
1992	Participant & Paper Presenter at Conference of Commonwealth Attorneys General from small jurisdictions, Nicosia, Cyprus.
1993	Participant & Paper Presenter at Commonwealth Law Conference Nicosia, Cyprus.
1993	Member of Gambian Delegation to World Congress on Human Rights, Vienna.
1993	Head of Delegation, Commonwealth Law Ministers Conference, Mauritius.
1993	Chairman, Group of Experts to Examine ways of fostering greater reliance on model treaties for crime prevention and criminal justice, UN Office Vienna, (CPCJB).
1993	Chairman, Group of Experts to advise on establishment of National Human Rights Commission for The Gambia.
1994	Rapporteur General Joint African Law and Interior Ministers meeting, Kampala, Uganda on Crime Prevention and Control.
2001	Consultant for UNDP/ OHCHR for Needs Assessment of Regional Human Rights Project for Southern Africa (Mozambique, Angola, Zambia, Botswana and Lesotho.
2001	Consultant to UNDP Malawi on Governance Generally and with particular reference to: (a) Training of Judges in the Field of Human Rights and (b) Capacity Project for the Office of Ombudsman Malawi (2002).
2002	Consultant for Evaluation of UN Human Rights Programme for Somalia.
2002	Sessional Chairperson and Paper Presenter on the Challenges Presented by the New International Tribunals and Courts at the Oxford Conference on the Changing Face of International Cooperation in Criminal Matters in the 21st Century. Delivered the Following Two Papers: (a) The Challenge of the New International Criminal Tribunals and (b) International Cooperation to Combat International Crime: Some Reflections.
2003	Consultant to the Commonwealth Secretariat on The Constitutional Evolution of Zanzibar in the Context of Muafaka Agreement.
2003	Participant at the Brandeis Institute for International Judges on Defining the Role of International and Regional Courts.

Honours

Commander of the National Order of the Republic of The Gambia (CRG).

Membership of professional organisations

Member	International Advisory Council of African Society of International and Comparative Law.
Founder Member	Pan African Council, London Court of International Commercial Arbitration.
Member	Board of Directors Seaton Foundation, Bermuda.

Publications

- The Law of Evidence in The Gambia 1998, Excaf Publishers, Dakar, Senegal 1998.

- Law, Justice and Governance: Selected Papers, Excaf Publishers, Dakar, Senegal 1998.

- The Law of the African Charter on Human and Peoples Rights - To be published in 2003 by The Institute For Human Rights and Development.

3. Tochilovsky, Vladimir (Ukraine)

Statement of qualifications

Nationality: Ukrainian.
Date and place of birth: 24 September 1946, Odessa, Ukraine.

Education and academic qualifications

1985: Ph.D. in prosecution and criminal procedure, Taras Shevchenko National University, Kyiv.

1975: Law Diploma (J.D.), Mechnikov National University, Odessa.

Professional career

1994 to date: United Nations, International Criminal Tribunal for the former Yugoslavia

1997 to date: Office of the Prosecutor, Trial Attorney.
Co-counsel in proceedings before Trial Chambers.
Attended to all aspects of trial preparation.
Provided legal direction to investigation teams.

1994 - 1997: Office of the Prosecutor, Investigation Team Leader.
Provided direction to a multi-disciplined team in complex investigations including those against perpetrators in leadership positions.

Related activities in the ICTY

2000 - 2001: Chaired OTP Weekly Legal Advisers Meeting.
2000: Chaired OTP Indictment Review Committee.
1999 - 2003: Developed Regulations related to investigation and prosecution for the Office of the Prosecutor.

1973 - 1994: Ukraine, Prosecution service

1987 - 1994: Deputy Procurator of Odessa Region (population of 2,2million), Ukraine.
Supervised 39 District Attorneys' Offices in regard to prosecutions and civil litigation.
Supervised the Departments of Prosecution, Appeals and Civil Litigation in the Office of the Procurator of the Region.
Participated *ex officio* in reviews of judgements by the Court of Appeal of the Region.
Prosecuted complex criminal cases in the High Court of the region.

1976 - 1987: District Attorney in Odessa Region.
Supervised and directed public prosecutors.
Supervised and directed investigators of the District *Procurator* Office.
Prosecuted criminal cases in district courts.
Carried out legal supervision of the police investigations.

1973 - 1976: Senior Investigator in the District Attorney's office.
Investigated serious crimes.
Supervised the activities of the police investigators, technical experts and other members of my investigation team.

Activities directly related to the International Criminal Court

- Official representative of the ICTY to the Preparatory Committee and Preparatory Commission for the International Criminal Court (1997 - 2001).

- Member of Group of Experts invited by the Director of Common Services of the ICC to prepare a paper on measures to reduce the length of trials for the high officials of the ICC (October 2002 - March 2003).

- Member of Group of Experts invited by the Director of Common Services of the ICC to prepare a paper on fact-finding and investigative functions of the office of the Prosecutor, including international cooperation, for the Office of the Prosecutor of the ICC (March - June 2003).

- Prepared drafts Regulations for the ICC Office of the Prosecutor on invitation by the Director of Common Services of the ICC (March-April 2003).

Publications

Numerous publications on international criminal justice and criminal procedure (see *Principal Publications and Conference Presentations* below).

Teaching experience

1991 - 1994: Taught at Mechnikov National University (Odessa) on criminal procedure and public prosecution.

Training courses

February 2003: Training on the Staff Selection System for members of the Central Review Board and Panel, UN.

November 2000: Interviewing and Selection Skills workshop, UN.

October 2000: Training on the UN Performance Appraisal System for the chairpersons of the ICTY Rebuttal Panels, UN.

May 1994: Visiting Fellowship in European United Nations Institute for Crime Prevention and Control in Helsinki (HEUNI).

1987: Management studies at Advanced Training Courses for the Executive Management of the Procurator General Office, Moscow.

Other related activities

1994: Member of the Board of Editors, Law Herald, Mechnikov National University, Odessa.

Languages

English, Russian and Ukrainian.

Professional membership

1997 to date - International Association of Prosecutors.

Principal Publications and Conference Presentations

Principal Publications

Globalizing Criminal Justice: Challenges for the International Criminal Court, in *Global Governance: A Review of Multilateralism*, volume 9, No 3, 2003.

Reconciling Different Justice Systems, (forthcoming in *War Crimes: An Historical Encyclopedia*, ABC-CLIO, Inc., United States, 2003).

Brcko Case, (forthcoming in *War Crimes: An Historical Encyclopedia*, ABC-CLIO, Inc., United States, 2003).

Jelisic, Goran, (forthcoming in *War Crimes: An Historical Encyclopedia*, ABC-CLIO, Inc., United States, 2003).

Proceedings in the International Criminal Court: Some Lessons to Learn from ICTY Experience, in *European Journal of Crime, Criminal Law and Criminal Justice*, Issue 4, 2002.

Legal Systems and Cultures in the International Criminal Court: The Experience from the International Criminal Tribunal for the Former Yugoslavia, in *International and National Prosecution of Crimes Under International Law: Current Developments*. Berlin Verlag, Arno Spitz GmbH, Germany, 2001.

Serious Violations of International Humanitarian Law, Investigation by the Office of the Prosecutor of the ICTY, in *Modus*, Issue 3, 2000.

Rules of Procedure for the International Criminal Court: Problems to Address in Light of the Experience of the ad hoc Tribunals, in *Netherlands International Law Review*, Vol. XLVI-1999-Issue 3.

Victims' procedural rights at trial: Approach of Continental Europe and the International Criminal Tribunal for the Former Yugoslavia, in *Caring for Crime Victims: Selected Proceedings of the 9th International Symposium on Victimology*, Criminal Justice Press, Monsley, N.Y. USA, 1999.

Trial in International Criminal Jurisdictions: Battle or Scrutiny? In *European Journal of Crime, Criminal Law and Criminal Justice*, Volume 6, Issue 1, 1998.

Second Session of the Preparatory Commission for the International Criminal Court, in *International Law Forum Du Droit International*, 1999.

Ukraine: Crime and Criminal Justice (with S. Chapkey), *in The International Criminal Justice Fact Book*, Bureau of Justice Statistics, U.S. Department of Justice, 1996.

Discretionary Power of the US Attorneys and General Principles of Prosecution, in *Urgent Issues of the State and Law*, Odessa University, 1994, (Russian).

Procedural Functions of the US Attorneys, in *Selected Papers*, Kharkiv, 1994, (Russian).

Application of some Unconventional Means in the USA Criminal Procedure, in *Role of Forensics and Criminalistics in Crime Prevention*" Odessa, 1994, (Russian).

The Institution of the US Attorneys as an Analogue to the Ukraine's Model of Procuracy, in *Law Herald*, 1994, #3, (Russian).

What are the Procedural Rights of US Defence Counsel? in *Business*, 1994, #9, (Russian).

The Problems of Possible Transition to the West-European Model of Procuracy, in *Urgent Problems of the Law on Criminal Procedure and Criminalistics at the Present Stage*, Odessa State University, 1993, (Russian).

Procuracy: from a Political Tool to a Representative of the Public Interests, in *Ukraine: Formation of Independence*, Odessa University, 1993, (Ukrainian).

Procuracy as a Representative of Public Interests, in *Law and Business*, 1993, #42, (Ukrainian)

Procuracy's Status in the Government in Light of the Draft Constitution of Ukraine. In *Law of Ukraine*, 1992, #6, (Ukrainian).

Procuracy's Status within Governmental System, in *Law on Procuratura, Theory and Practice of its Implementation*, Ukrainian Academy of Law. Kharkiv, 1992, (Russian).

Dismissal of the Criminal Cases by Attorneys in the USA, in *Problems of Crime Prevention in Ukraine*, Academy of Science of Ukraine, Kiiv, 1992 (Ukrainian).

The Doctrine of Procuracy's Authority, in *Sovetskoje Gosudarstvo i Pravo*, 1990, #9, (Russian).

Co-ordination in Prevention of Juvenile Crime, in *Socialisticheskaja Zakonnost*, 1980, (Russian).

Procuracy's legal supervision in Prevention of Juvenile Crime, in *Radjanske Pravo*, 1977, (Ukrainian).

Problems in Investigations of Juvenile Crimes, in *Radjanske Pravo*, 1975, (Ukrainian).

<u>*Main Presentations at international conferences*</u>

Rapid Response to Violations of International Humanitarian Law- ICTY Experience, Geneva, International Experts Meeting on Humanitarian Principles, September 1999.

The International Criminal Tribunal for the former Yugoslavia - Experiences and Possible Consequences for a Permanent International Court, Bonn, International Symposium of the Forum Menschenrechte, April 1998.

Victims' Procedural Rights at Trial: Approach of Continental Europe and the International Criminal Tribunal for the Former Yugoslavia. Amsterdam, 9th International Symposium on Victimology, August 1997.

Organised Crime Issues in Ukraine, New York, International Conference on International Perspectives on Crime, Drugs and Public Order, June 1994.